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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,357	02/22/2002	Douglas H. Wylie	D1841-00079	9759

8933 7590 02/03/2005

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EXAMINER

FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,357

Applicant(s)

WYLIE ET AL.

Examiner

Justin R Fischer

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 14-50 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9 is/are rejected.
- 7) ☒ Claim(s) 10-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102/103

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by or in the alternative, under 35 U.S.C. 103(a) as obvious over Insalaco (US 5,238,515, of record). Insalaco teaches a method of securing a fabric-like sheet (screen/ventillation cloth) to a frame member or panel comprising the steps of placing adhesive on the mounting surface of said frame, placing or spreading the fabric-like sheet over the adhesive-containing frame, and applying pressure and heat simultaneously via a series of rollers (elongation members) and a heating element, respectively, wherein said heat effects rapid melting of the adhesive (Column 2, Lines 25-50). In this instance, the series of rollers (as a whole), which are mounted on an L-shaped bracket, are seen to constitute an elongated, straight insertion member in that the inner ends of the rollers (towards the

Art Unit: 1733

center of the table) define a straight plane that comes into contact with the retaining channels (e.g. the rollers are aligned along the machine direction of the frame/cloth assembly). As to the length of the insertion member, it is evident from Figure 4 that the assemblies (39L or 39R) defined by the series of rollers have a length that is substantially as long as a length of the panel (mounted on table or platform 38). In this instance, the table or platform has a length that is substantially equal to the length of the insertion member (series of rollers)- the reference, however, is completely silent as the dimension of the panel with respect to the table or platform. In any event, one of ordinary skill in the art at the time of the invention would have expected the panel to have a dimension substantially equal to that of the underlying table or platform, which in itself has a length or dimension substantially equal to that of the insertion member. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to practice a method of securing a cloth or screen to a frame in which the insertion member has a length that is substantial equal to that of the frame or panel absent any conclusive showing of unexpected results.

Allowable Subject Matter

4. Claims 1-8 are allowed. The following is an examiner's statement of reasons for allowance: the closest prior art of record is Sekiraku, which teaches a method of securing a screen to a door (frame) comprising the steps of placing a screen on a jig 2 (elongated insertion member), applying adhesive to said screen, conveying the adhesive-containing screen forward, and pivoting said jig in order to arrange/secure said screen against a vertically oriented door/frame B. In this instance, the door/frame

Art Unit: 1733

is mounted on a moving hanger 22- such a mounting is significantly different from that of the claimed invention in which it is required that all of the segments of the door/frame are simultaneously clamped via a plurality of separately positionable clamping arms.

While it is generally known to provide a clamping means formed of a plurality of clamping arms in a wide variety of industries, one of ordinary skill in the art at the time of the invention would not have found it obvious to include such a clamping structure in the specific assembly of Sekiraku, especially since the moving hanger noted above represents a single mounting structure or clamp for a single segment of the door/frame.

5. Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As correctly noted by applicant, the method of Insalaco involves the use of an insertion member that moves within the plane of the screen and as such, it is in direct contrast to the perpendicular movement (in relation to the screen) required by the claimed invention. Also, none of the prior art references of record disclosed, suggested, or taught a method in which the specific insertion member detailed by claim 9 (elongated and straight and having a length substantially as long as a length of the screen bar segment) was used in combination with the limitations set forth in claims 10, 11, or 12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments filed November 24, 2004 have been considered but they are not fully persuasive. It is initially noted that the rejections using Le Tarte and Sekiraku have been withdrawn in light of applicant's arguments in the response submitted on November 24, 2004.

In regards to the rejections with Insalaco, applicant contends that the plurality of rollers are not straight and the individual rollers do not have a length substantially as long as a length of the screen bar segment. As set forth above, the series of rollers are seen to constitute the elongated, straight insertion member of the claimed invention. In particular, the rollers are mounted on an L-shaped bracket and define a unitary or elongated structure in which the inner ends of the rollers are aligned within a single plane. The claims as currently drafted do not require the insertion member be a blade as depicted in Figure 32 of the claimed invention nor do they require the insertion member have a continuous contacting surface with the screen/frame assembly. As such, the series of rollers of Insalaco are seen to constitute an insertion member in accordance to the limitations of the claimed invention.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 1733

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin Fischer

January 31, 2005


JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300